

**REMARKS**

Claims 1-31 are all the claims pending in the application. Claims 1-13 and 27-31 are being amended. No new matter has been introduced. Claims 30 and 31 have been amended to correct minor informalities.

Allowable Subject Matter

Applicants thank the Examiner for allowing claims 14-26, 30 and 31.

Claim Rejections – 35 U.S.C. 101

The Examiner has rejected claims 1-13 and 27-29 under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. Applicants traverse this rejection in view of Applicants' amendments to claims 1-13 and 27-29 and further in view of the following arguments.

In the Office Action, the Examiner mistakenly states that Claims 1-13 and 27 are directed to computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs. Thus, the Examiner cites a passage from ANNEX IV (Computer-Related Nonstatutory Subject Matter) of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility and concludes that claims 1-13 and 27 recite non-statutory subject matter. Applicants note that the Examiner cites from a portion of the Interim Guidelines which deals with listings of computer programs – i.e. computer programs per se, while the rejected claims are directed to a computer-implemented method. Specifically, Applicants draw the Examiner's attention to ANNEX IV, section (a), which is titled – "... Computer Programs Representing Computer Listings Per Se."

Applicants respectfully submit that the claims 1-13 and 27, even in their original form did not recite a computer program per se, as they did not recite a computer listing having a computer program. The original claims 1-13 and 27 were directed to a method, having a series of steps, which were to be performed by a computer. Such methods are clearly statutory, as clearly stated in the same Interim Guidelines. The Guidelines state: “only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material per se and hence nonstatutory,” see Guidelines, ANNEX IV, section (a). On the other hand, claims 1-13 and 27, even in their original form, did not recite a listing of a computer program, as they recited a computer-implemented method. With respect to computer-implemented methods, the Guidelines state: “the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program,” see Guidelines, ANNEX IV, section (a). Thus, a computerized process which includes computer-implemented steps is a statutory subject matter, as clearly stated in the Guidelines cited by the Examiner. For this reason, even the original claims were statutory under the Guidelines.

Despite this fact, in order to facilitate the prosecution of the instant application, Applicants choose to amend claims 1-13 and 27 to confirm their language to the language of the Guidelines. To this end, these claims are amended to recite a computerized method comprising computer-implemented steps. As stated in ANNEX IV, section (a) of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, such computerized

method is statutory. In addition, the computer-implemented method recited in claims 1-13 and 17 is clearly statutory under 35 U.S.C. §101. Specifically, 35 U.S.C. §101 defines four categories of inventions that Congress deemed to be the appropriate subject matter of a patent: processes, machines, manufactures and compositions of matter. The first category defines "actions" (i.e., inventions that consist of a series of steps or acts to be performed). See 35 U.S.C. 100(b) ("The term 'process' means process, art, or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material."). Computer-implemented methods are clearly "processes" under aforesaid definition of See 35 U.S.C. §100(b) and, therefore, are statutory under 35 U.S.C. §101. Thus, for all the foregoing reasons, the amended claims 1-13 and 27 reciting computerized process which includes computer-implemented steps, are directed to statutory subject matter under 35 U.S.C. §101 and the Interim Guidelines.

If the Examiner chooses to continue to insists that computerized method comprising computer-implemented steps are non-statutory, Applicants respectfully request the Examiner to point Applicants to a portion of a Guidelines containing language to that effect. Applicants further note that claims 1, 6, 13 and 27 clearly recite a useful, concrete and tangible result, which renders then statutory under *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368; 47 U.S.P.Q.2D (BNA) 1596. Specifically, the claimed providing at least one comprehension aid to the user, the provided comprehension aid operable to help the user to comprehend the displayed words, clearly constitutes the requisite useful, concrete and tangible result, which renders the claim statutory under 35 U.S.C. §101, see *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368; 47 U.S.P.Q.2D (BNA) 1596.

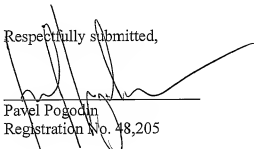
Claims 28 and 29 have been rewritten in a computer-readable medium form, which is clearly statutory per the cited Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility. Also, additional limitations were added thereto to distinguish them from claims 30 and 31. Thus, the amended claims 28 and 29 are also statutory.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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MOUNTAIN VIEW OFFICE

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